

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

LELAND FOSTER,

Plaintiff,

v.

Case No. 1:14-cv-13496
Hon. Thomas L. Ludington

BEN-HAL, INC., a Michigan corporation,
and SHREEJI-MIDLAND CORPORATION,
a Michigan corporation,

Defendants.

STIPULATION TO ENTRY OF CONSENT JUDGMENT

Plaintiff Leland Foster and Defendants Ben-Hal, Inc. and Shreeji-Midland Corporation, by and through their undersigned attorneys, stipulate and agree to entry of the accompanying Consent Judgment, which adjudicates all the claims of all the parties and ends this action.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LELAND FOSTER,

Plaintiff,

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Case No. 1:14-cv-13496
Hon. Thomas L. Ludington

BEN-HAL, INC., a Michigan corporation,
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a Michigan corporation,

Defendants.

CONSENT JUDGMENT

This matter came before the Court on the Complaint, as amended, filed by Plaintiff Leland Foster against Defendants Ben-Hal, Inc. and Shreeji-Midland Corporation (collectively, “Defendants”) alleging that the hotel in which both Defendants have an ownership interest (the “Hotel”) is a place of public accommodation within the meaning of the Americans With Disabilities Act, 42 USC § 12181, *et seq.* (the “ADA”) and the Michigan Persons With Disabilities Civil Rights Act, MCL 37.1301, *et seq.* (the “PWDCRA”), and that the Hotel was not in compliance with the ADA and the PWDCRA and the regulations promulgated thereunder. The Complaint, as amended, sought both money damages and injunctive relief “requiring Defendants to make all readily achievable

alterations to allow full and equal enjoyment of” the Hotel. The parties have agreed to enter into this Consent Judgment resolving all claims associated with this litigation, and the Court is fully advised in the premises.

Accordingly, it is **ORDERED, ADJUDGED and DECREED** that judgment is entered in favor of Plaintiff and against Defendants, jointly and severally, awarding damages in the amount of \$2,000.00 and attorneys’ fees in the amount of \$5,500.00, for a total judgment of \$7,500.00, which includes all damages, taxable costs or other sums to which Plaintiff or his counsel may be entitled.

It is further **ORDERED, ADJUDGED and DECREED** that Defendants shall, within ninety (90) days of the date of entry of this Consent Judgment, make the following alterations to the Hotel:

Designated Accessible Guestrooms with Roll-In Showers
(Rooms 101 and 103)

1. Obtain and install shower spray units that comply with the 2010 Americans with Disability Act Accessibility Guidelines (the “Guidelines”).
2. Mount shower spray units at a height that complies with the Guidelines.
3. Lower all storage closets to a height that complies with the Guidelines.

4. Install door locking mechanisms and peepholes at a height that complies with the Guidelines.

5. Install one lamp in each guestroom that is operated by a switch that complies with the Guidelines.

6. Install a side wall grab bar and a rear wall grab bar in the bathroom that comply with the Guidelines.

7. Install shower faucet controls that comply with the Guidelines.

8. Install lever-handled door hardware and locking hardware on adjoining guestroom doors that comply with the Guidelines.

**Designated Accessible Guestrooms with Bathtubs
(Rooms 102, 104, 138 and 140)**

1. Install shower spray units with hoses that comply with the Guidelines.

2. Install faucet controls that comply with the Guidelines.

3. Install entry door locking mechanisms and peepholes at a height that complies with the Guidelines.

4. Lower all storage closets to a height that complies with the Guidelines.

5. Install one lamp in each guestroom that is operating by a switch that complies with the Guidelines.

6. Lower all towel racks to a height that complies with the Guidelines.

Lobby Restroom

1. Widen the accessible stall in the women's restroom by eight inches.

Pool and Spa Area

1. Mount the shower spray unit at a height that complies with the Guidelines.

2. Install a pool lift or other alternative transfer means (e.g., a transfer wall or transfer steps) into the hot tub/spa.

Fitness Center and Guest Laundry

1. Remove the sink and stub wall adjacent to the entryway.

2. Reverse the hinges and handle on the existing entry door, changing it from a right hand door to a left hand door.

It is further **ORDERED, ADJUDGED and DECREED** that Plaintiff has been afforded the opportunity to inspect the Hotel (including an expert if desired) and all conditions existing thereon and, upon completion of the foregoing

alterations, the Hotel shall be compliant in all respects with the ADA, the PWDCRA, all regulations promulgated thereunder, and the Guidelines.

It is further **ORDERED, ADJUDGED and DECREED** that this Consent Judgment adjudicates all the claims of all the parties and ends this action.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: December 8, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 8, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS